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EXAMINER	
OCHOA, JUAN CARLOS	
ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/828,850	HEAPS ET AL.	
	Examiner	Art Unit	
	JUAN C. OCHOA	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) *14,16-21,24 and 26-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,15,22,23,25,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 February 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 2/11/08 has been received and considered. Claims 1–30 are pending in this application. Claims 14, 16–21, 24, and 26–28 have been withdrawn as being directed to the non–elected invention. Claims 1–13, 15, 22, 23, 25, 29, and 30 are presented for examination.

Claim Interpretation

2. Office personnel are to give claims their "broadest reasonable interpretation" in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541,550-551(CCPA 1969). See *also In re Zletz, 893 F.2d 319,321-22, 13 USPQ2d 1320, 1322(Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow").... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.

3. Claims recite "travel rules". The specification list examples of "travel rules" as "speed variation rules", “average travel speed”, “travel restrictions”, “direction of travel restrictions”, or “no travel zone, i.e. vehicle restrictions" (see page 8, 2nd paragraph).

The claims reciting "travel rules" were interpreted according to either one of these examples.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Roadnet 5000 Operations Guide - Version 7.0, (Roadnet hereinafter). (See IDS dated 10/19/04).

6. As to claim 15, Roadnet discloses a computer readable medium storing computer-executable instructions for: receiving a first geographic area and a first travel rule that is associated with said first geographic area (see “ROUTENET is a calculation method that uses maps to reflect in detail the area being routed and to replicate the actual road conditions, accounting for everything from stop signs and traffic lights to speed limits and road changes” in page 20, last paragraph); receiving a second geographic area, said second geographic area at least partially overlapping said first geographic area, wherein an area within both said first geographic area and said second geographic area defines an overlapped geographic area (see “Step 3: In the Zones window, click on the Add icon to open the Add Zone window. Hint: To add an entry that is similar to an existing one, right click on the existing entry and select Clone from the menu that pops up. The Add window opens with some information already

completed; change the information as necessary for the new entry" in page 70); receiving a second travel rule that is associated with said second geographic area (see "Step 9" in page 64); after receiving said first and second geographic areas and said first and second travel rules, determining whether said first or said second travel rule should be applied to one or more vehicles traveling through at least a portion of said overlapped geographic area (see page 192); in response to determining that the first travel rule should be applied to one or more vehicles traveling within the overlapped geographic area, applying the first travel rule to model traffic conditions (see "filters" in page 197 or page 262, 1st paragraph and page 263, Step 7) for one or more vehicles traveling through at least a portion of the overlapped geographic area (see page 192); and in response to determining that the second travel rule should be applied to one or more vehicles traveling within the overlapped geographic area, applying the second travel rule to model traffic conditions (see "filters" in page 197 or page 262, 1st paragraph and page 263, Step 7) for one or more vehicles traveling through at least a portion of the overlapped geographic area (see page 192).

7. As to claim 25, Roadnet discloses a computer readable medium storing computer-executable instructions for: receiving geographic area information, said information defining a geographic area (see "ROUTENET is a calculation method that uses maps to reflect in detail the area being routed and to replicate the actual road conditions, accounting for everything from stop signs and traffic lights to speed limits and road changes" in page 20, last paragraph); receiving a first speed variation model (see "XY—a routing method that uses a straight line to measure the distance between

two points. This method relies on the Distance and Travel Time models to account for road changes and speed variation" in page 306, next to last paragraph) that is to apply to a first road classification within the geographic area (see "local roads and larger roads (such as highways)" in page 61, 2nd paragraph); receiving a second speed variation model that is to apply to a second road classification within the geographic area (see "local roads and larger roads (such as highways)" in page 61, 2nd paragraph); after receiving said geographic area information, said first speed variation model, and said first road classification, applying the first speed variation model to estimate travel times associated with vehicles traveling on roads of the first classification through at least a portion of the geographic area (see "Travel Time Model" in page 22; page 192; and "filters" in page 197 or page 262, 1st paragraph and page 263, Step 7); and after receiving said "geographic area" information, said second speed variation model, and said second road classification, applying the second speed variation model to estimate travel times associated with vehicles traveling on roads of the second classification through at least a portion of the geographic area (see "Travel Time Model" in page 22; page 192; and "filters" in page 197 or page 262, 1st paragraph and page 263, Step 7).

8. Claims 1–13, 22, 23, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by David Myr, (Myr hereinafter), U.S. Patent 6,615,130.

9. As to claim 1, Myr discloses a computer readable medium storing computer-executable instructions for: receiving a time window (see "time intervals" in col. 6, lines 62–67); receiving geographic area information, said information defining a geographic

area (see col. 11, lines 24–32); receiving a travel rule that is to apply to said geographic area during said time window (see “average travel speed“ as “travel times are averaged” in col. 14, lines 15–33); after receiving said time window, said geographic area information, and said travel rule, generating one or more initial time/distance matrices that reflect initial traffic conditions (see col. 13, lines 26–34 and Fig. 14 and 15); after generating said one or more initial time/distance matrices modifying said one or more initial time/distance matrices by applying said travel rule to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area during said time window in accordance with said travel rule (see col. 14, lines 15–33); and using said one or more modified time/distance matrices that model traffic conditions within said geographic area during said time window in accordance with said travel rule to schedule a route for one or more vehicles during said time window (see col. 16, lines 25–50).

10. As to claim 2, Myr discloses a computer readable medium further comprising: receiving a second time window (see “time intervals“ in col. 6, lines 62–67); receiving a second travel rule that is to apply to said geographic area during said second time window (see “average travel speed“ as “travel times are averaged” in col. 14, lines 15–33); after receiving said second time window and said second travel rule, modifying said one or more initial time/distance matrices by applying said second travel rule to said geographic area one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area during said second time window in accordance with said second travel rule (see col. 14,

lines 15–33); and using said one or more modified time/distance matrices that model traffic conditions within said geographic area during said second time window in accordance with said second travel rule to schedule a route for one or more vehicles during said second time window (see col. 16, lines 25–50).

11. As to claim 3, Myr discloses a computer readable medium further comprising: receiving a second travel rule that is to apply to said geographic area during said time window (see “average travel speed“ as “travel times are averaged” in col. 14, lines 15–33); after receiving said second travel rule, modifying said one or more initial time/distance matrices by applying said second travel rule to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area during said time window in accordance with said second travel rule (see col. 14, lines 15–33); and using said one or more modified time/distance matrices that model traffic conditions within said geographic area during said time window in accordance with said second travel rule to schedule a route for one or more vehicles during said time window (see col. 16, lines 25–50).

12. As to claim 4, Myr discloses a computer readable medium further comprising: receiving additional geographic area information, said additional information defining a second geographic area (see col. 11, lines 24–50); receiving a second travel rule (see “average travel speed“ as “travel times are averaged” in col. 14, lines 15–33); after receiving said additional geographic area information and said second travel rule, modifying said one or more initial time/distance matrices by applying said second travel

rule to said second one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said second geographic area during said time window in accordance with said second travel rule (see col. 14, lines 34–48); and using said one or more modified time/distance matrices that model traffic conditions within said second geographic area during said time window in accordance with said second travel rule to schedule a route for one or more vehicles during said time window (see col. 16, lines 25–50).

13. As to claim 5, Myr discloses a computer readable medium wherein said travel rule comprises a speed variation model, said speed variation model comprising a percentage increase or decrease from a normal travel speed (see col. 14, lines 15–33).

14. As to claim 6, Myr discloses a computer readable medium wherein said travel rule comprises one or more vehicle based restrictions that are to apply to said geographic area during said time window (see “no travel zone, i.e. vehicle restrictions" in col. 11, lines 63–67).

15. As to claim 7, Myr discloses a computer readable medium wherein said geographic area information comprises three of more points selected by a user to define a polygon, said polygon having boundaries that define a geographic area (see col. 11, lines 29–37).

16. As to claim 8, Myr discloses a computer readable medium storing computer-executable instructions for: receiving a time window (see “time intervals“ in col. 6, lines 62–67); receiving geographic area information, said information defining a geographic area (see col. 11, lines 24–32); receiving a travel rule that is to apply to said geographic

area during said time window (see “average travel speed“ as “travel times are averaged” in col. 14, lines 15–33); after receiving said time window, said geographic area information, and said travel rule, generating one or more initial time/distance matrices that reflect initial traffic conditions (see col. 13, lines 26–34 and Fig. 14 and 15); after generating said one or more initial time/distance matrices modifying said one or more initial time/distance matrices by applying said one travel rule to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area during said time window in accordance with said travel rule; and using said one or more modified time/distance matrices that model traffic conditions: within said geographic area during said time window in accordance with said travel rule to determine whether to schedule a route for one or more vehicles through at least a portion of said geographic area during said time window (see col. 16, lines 25–50).

17. As to claim 9, Myr discloses a computer readable medium wherein the travel rule comprises a speed variation model, said speed variation model comprising a percentage increase or decrease from a normal travel speed (see col. 14, lines 15–33).

18. As to claim 10, Myr discloses a computer readable medium wherein the travel rule comprises one or more vehicle based restrictions that are to apply to said geographic area during said time window (see “no travel zone, i.e. vehicle restrictions" in col. 11, lines 63–67).

19. As to claim 11, Myr discloses a computer readable medium storing computer-executable instructions for: receiving a time window (see “time intervals“ in col. 6, lines

62–67); receiving geographic area information, said information defining a geographic area (see col. 11, lines 24–32); receiving a travel rule that is to apply to said geographic area during said time window (see “average travel speed“ as “travel times are averaged” in col. 14, lines 15–33); after receiving said time window, said geographic area information, and said travel rule, generating one or more initial time/distance matrices that reflect initial traffic conditions (see col. 13, lines 26–34 and Fig. 14 and 15); after generating said one or more initial time/distance matrices, modifying said one or more initial time/distance matrices by applying said travel rule to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area during said time window in accordance with said travel rule (see col. 14, lines 15–33); and using said one or more modified time/distance matrices that model traffic conditions within said geographic area during said time window in accordance with said travel rule to model the speed of travel of one or more vehicles traveling through said geographic area during said time window (see col. 16, lines 25–50).

20. As to claim 12, Myr discloses a computer readable medium wherein the travel rule comprises a speed variation model, said speed variation model comprising a percentage increase or decrease from a normal travel speed (see col. 14, lines 15–33).

21. As to claim 13, Myr discloses a computer readable medium wherein the travel rule comprises one or more vehicle-based restrictions that are to apply to said geographic area during said time window (see “no travel zone, i.e. vehicle restrictions" in col. 11, lines 63–67).

22. As to claim 22, Myr discloses a computer readable medium storing computer-executable instructions for: receiving a time window (see "time intervals" in col. 6, lines 62–67); receiving road segment information, said information defining a road segment (see col. 11, lines 52–59); receiving a speed variation model that is to apply to said road segment, said speed variation model comprising a percentage increase or decrease from a normal travel time (see col. 14, lines 15–33); after receiving said road segment information and said speed variation model, generating one or more initial time/distance matrices that reflect initial traffic conditions (see col. 13, lines 26–34 and Fig. 14 and 15); after generating said one or more initial time/distance matrices, modifying said one or more initial time/distance matrices by applying said speed variation model to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions on said road segment during said time window in accordance with said speed variation model (see col. 14, lines 15–33); and using said one or more modified time/distance matrices to schedule one or more routes (see col. 16, lines 25–50).

23. As to claim 23, Myr discloses a computer readable medium storing computer executable instructions for: receiving geographic area information, said information defining a geographic area (see col. 11, lines 24–32); receiving a first time window (see "time intervals" in col. 6, lines 62–67) in which a first speed variation model (see col. 14, lines 15–33) is to apply within the geographic area; receiving a second time window (see "time intervals" in col. 6, lines 62–67) in which a second speed variation model (see col. 14, lines 15–33) is to apply within the geographic area; after receiving said

geographic area information, said first time window and said first speed variation model, generating one or more initial time/distance matrices that reflect initial traffic conditions (see col. 13, lines 26–34 and Fig. 14 and 15); after generating said one or more initial time/distance matrices modifying said one or more initial time/distance matrices by applying said first speed variation model to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area during said first time window in accordance with said first speed variation model (see col. 14, lines 15–33); using said one or more modified time/distance matrices that model traffic conditions within said geographic area during said first time window in accordance with said first speed variation model to estimate a travel time associated with vehicles traveling within at least a portion of said geographic area within said first time window (see col. 16, lines 25–50); and after receiving said geographic area information, said second time window, and said second speed variation model, and after generating said one or more initial time/distance matrices modifying said one or more initial time/distance matrices by applying said second speed variation model to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area during said second time window in accordance with said second speed variation model (see col. 14, lines 15–33); and using said one or more modified time/distance matrices that model traffic conditions within said geographic area during said second time window in accordance with said second speed variation model

to model traffic conditions for one or more vehicles traveling within at least a portion of said geographic area within said second time window (see col. 16, lines 25–50).

24. As to claim 29, Myr discloses a computer readable medium storing computer-executable instructions for: receiving a first geographic area (see col. 11, lines 24–32) and a first travel rule (see “average travel speed“ as “travel times are averaged” in col. 14, lines 15–33) that is associated with said first geographic area; receiving a second geographic area, said second geographic area at least partially overlapping said first geographic area (see “partially overlapping” as “neighborhood” in col. 11, lines 24–50), wherein an area within both said first geographic area and said second geographic area defines an overlapped geographic area (see col. 11, lines 24–50); receiving a second travel rule that is associated with said second geographic area (see “average travel speed“ as “travel times are averaged” in col. 14, lines 15–33); after receiving said first and second geographic areas and said first and second travel rules, determining whether said first or said second travel rule should be applied to one or more vehicles traveling through at least a portion of said overlapped geographic area (see col. 11, lines 24–50); in response to determining that the first travel rule should be applied to one or more vehicles traveling within the overlapped geographic area, generating one or more initial time/distance matrices that reflect initial traffic conditions (see col. 13, lines 26–34 and Fig. 14 and 15); after generating said one or more initial time/distance matrices, modifying said one or more initial time/distance matrices by applying the first travel rule to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said overlapped

geographic area in accordance with said first travel rule (see col. 14, lines 15–33); using said one or more modified time/distance matrices that model traffic conditions within said overlapped geographic area in accordance with said first travel rule to model traffic conditions for one or more vehicles traveling through at least a portion of the overlapped geographic area (see col. 16, lines 25–50); in response to determining that the second travel rule should be applied to one or more vehicles traveling within the overlapped geographic area, generating one or more initial time/distance matrices that reflect initial traffic conditions (see "partially overlapping" as "neighborhood" in col. 11, lines 24–50); after generating said one or more initial time/distance matrices, modifying said one or more initial time/distance matrices by applying the second travel rule to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said overlapped geographic area in accordance with said second travel rule (see col. 14, lines 15–33); and using said one or more modified time/distance matrices that model traffic conditions within said overlapped geographic area in accordance with said second travel rule to model traffic conditions for one or more vehicles traveling through at least a portion of the overlapped geographic area (see col. 16, lines 25–50).

25. As to claim 30, Myr discloses a computer readable medium storing computer-executable instructions for: receiving geographic area information, said information defining a geographic area (see col. 11, lines 24–32); receiving a first speed variation model that is to apply to a first road classification within the geographic area (see col. 14, lines 15–33); receiving a second speed variation model that is to apply to a second

road classification within the geographic area (see col. 14, lines 15–33); after receiving said geographic area information, said first speed variation model, and said first road classification, generating one or more initial time/distance matrices that reflect initial traffic conditions (see col. 13, lines 26–34 and Fig. 14 and 15); after generating said one or more initial time/distance matrices, modifying said one or more initial time/distance matrices by applying the first speed variation model to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area on roads of said first road classification in accordance with said first speed variation model (see col. 14, lines 15–33); using said one or more modified time/distance matrices that model traffic conditions within said geographic area on roads of said first road classification in accordance with said first speed variation model to estimate travel times associated with vehicles traveling on roads of the first classification through at least a portion of the geographic area (see col. 16, lines 25–50); after receiving said geographic area information, said second speed variation model, and said second road classification, and after generating said one or more initial time/distance matrices, modifying said one or more initial time/distance matrices by applying the second speed variation model to said one or more initial time/distance matrices to generate one or more modified time/distance matrices that model traffic conditions within said geographic area on roads of said second road classification in accordance with said second speed variation model (see col. 14, lines 15–33); and using said one or more modified time/distance matrices that model traffic conditions within said geographic area on roads of said second road

classification in accordance with said second speed variation model to estimate travel times associated with vehicles traveling on roads of the second classification through at least a portion of the geographic area (see col. 16, lines 25–50).

Response to Arguments

26. Applicant's arguments filed 2/11/08 have been fully considered, but they are not persuasive.

27. Regarding the drawing objections, the amendment corrected all deficiencies and the objections are withdrawn.

28. Regarding the rejections under 102:

29. As to claims 1–13, 22, and 23, the amendment circumvented all rejections and those rejections are withdrawn.

30. As to claim 15, Applicant's arguments have been considered, but they are not persuasive.

31. Applicant argues, (see page 19, 2nd–4th paragraphs), that Roadnet fails to teach "in response to determining that the first travel rule should be applied to one or more vehicles traveling within the overlapped geographic area, applying the first travel rule to model traffic conditions for one or more vehicles traveling through at least a portion of the overlapped geographic area; and in response to determining that the second travel rule should be applied to one or more vehicles traveling within the overlapped geographic area, applying the second travel rule to model traffic conditions for one or more vehicles traveling through at least a portion of the overlapped geographic area". Examiner has further elaborated such disclosure in the instant rejection: (see “filters“ in

page 197 or page 262, 1st paragraph and page 263, Step 7). Examiner also stated at the end of the rejection that specific figures, columns and lines should not be considered limiting to reference in any way. Taking the entire reference the Examiner contends that the art supports the rejection of the claims and the rejection is maintained.

32. As to claim 25, Applicant's arguments have been considered, but they are not persuasive.

33. Applicant argues, (see page 19, 5th–7th paragraphs), that Roadnet fails to teach "after receiving said geographic area information, said first speed variation model, and said first road classification, applying the first speed variation model to estimate travel times associated with vehicles traveling on roads of the first classification through at least a portion of the geographic area; and after receiving said geographic area information, said second speed variation model, and said second road classification, applying the second speed variation model to estimate travel times associated with vehicles traveling on roads of the second classification through at least a portion of the geographic area". Examiner has further elaborated such disclosure in the instant rejection: (see “Travel Time Model“ in page 22; page 192; and “filters“ in page 197 or page 262, 1st paragraph and page 263, Step 7). Examiner also stated at the end of the rejection that specific figures, columns and lines should not be considered limiting to reference in any way. Taking the entire reference the Examiner contends that the art supports the rejection of the claims and the rejection is maintained.

Conclusion

34. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

35. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

36. Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan C. Ochoa whose telephone number is (571) 272-2625. The examiner can normally be reached on 7:30AM - 4:00 PM.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/J. C. O./ 5/20/08

Examiner, Art Unit 2123

/Paul L Rodriguez/

Supervisory Patent Examiner, Art Unit 2123